

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, *ex rel.*
MICHAEL S. LORD,

Plaintiffs/Relator,

- v. -

NAPA MANAGEMENT SERVICES
CORPORATION, NORTH AMERICAN
PARTNERS IN ANESTHESIA
(PENNSYLVANIA), LLC, and POCONO
MEDICAL CENTER,

Defendants.

Civil Action No.: 3:13-CV-2940

JUDGE MANNION

ELECTRONICALLY FILED

**MOTION TO WITHDRAW APPEARANCE OF COUNSEL AND
TO STAY PROCEEDINGS FOR 60 DAYS**

Pursuant to Local Rule 83.15 and Rule 1.16 of the Pennsylvania Rules of Professional Conduct, Gerald Lawrence, Esq.; Scott V. Papp, Esq.; Sung-Min Lee, Esq.; and Lowey Dannenberg, P.C. (“Movants”) file this Motion to Withdraw Appearance of Counsel on behalf of Relator Michael S. Lord (“Relator”) and to stay proceedings for 60 days for Relator to retain new counsel. To support this Motion, Movants state:

1. On December 6, 2013, Movants filed the complaint under seal on behalf of Relator, asserting claims for violation of the False Claims Act (“FCA”) under 31 U.S.C. §3729(a)(1) & (2); wrongful discharge and harassment in

violation of FCA; and breach of contract under Pennsylvania law.

2. On November 7, 2016, the government declined to intervene. D.E. 24. Pursuant to the Court's November 8, 2016 Order (D.E. 25), Relator filed a redacted complaint on December 7, 2016, which was to be unsealed on December 14, 2016. D.E. 26.

3. On March 3, 2017, Defendant Pocono Medical Center ("PMC") and Defendants NAPA Management Services Corporation and North American Partners In Anesthesia (Pennsylvania), LLC (collectively, "NAPA")¹ moved to dismiss. D.E. 50-52.

4. On June 20, 2017, the Court granted PMC's motion to dismiss with prejudice. D.E. 73-74.

5. On November 14, 2017, the Court granted in part and denied in part NAPA's motion to dismiss. D.E. 76-77.

6. On January 11, 2018, NAPA filed its Answer. D.E. 82.

7. The parties have begun discovery.

8. Irreconcilable differences have arisen which render it impossible for Movants to continue as legal counsel for Relator. After being fully informed, Relator has discharged Movants and has authorized them to withdraw as counsel.

¹ On March 27, 2017, Relator voluntarily dismissed his claims against Defendant North American Partners in Anesthesia, LLP without prejudice. D.E. 60.

9. Rule 1.16(a)(3) of the Pennsylvania Rules of Professional Conduct provides that “where representation has commenced, [a lawyer] shall withdraw from the representation of a client if: ... the lawyer is discharged.” Pa. R. P. C. 1.16(a)(3).

10. Relator requests a sixty (60) day stay to retain new counsel.

11. After conferring, Defense counsel does not oppose this motion.

WHEREFORE, Gerald Lawrence, Esq.; Scott V. Papp, Esq.; Sung-Min Lee, Esq.; and Lowey Dannenberg, P.C. respectfully request this Honorable Court to grant their Motion to Withdraw Appearance and remove their names from all future ECF notices after the date of the order granting this Motion; and to stay this matter for sixty (60) days while Relator retains new counsel.

Dated: May 1, 2018

Respectfully submitted,

LOWEY DANNENBERG, P.C.

/s/ Gerald Lawrence, Esquire

Gerald Lawrence, Esquire
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
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Tel.: (610) 941-2760

LOWEY DANNENBERG, P.C.

Scott V. Papp, Esq.
Sung-Min Lee, Esq.
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White Plains, NY 10601
Tel.: (914) 997-0500

CERTIFICATE OF CONCURRENCE

The undersigned certifies that he sought concurrence from Defendants.

Counsel for Defendants have advised they do not oppose this Motion.

/s/ Gerald Lawrence, Esquire
Gerald Lawrence, Esquire

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CERTIFICATE OF SERVICE

SUNG-MIN LEE, ESQUIRE, hereby certifies that on the 1st day of May, 2018, he caused to be served true and correct copies of the foregoing MOTION TO WITHDRAW APPEARANCE OF COUNSEL AND TO STAY PROCEEDINGS FOR 60 DAYS, by ECF on all counsel of record.

LOWEY DANNENBERG, P.C.

/s/ Sung-Min Lee, Esquire
SUNG-MIN LEE, ESQUIRE